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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK
225 CADMAN PLAZA EAST
BROOKLYN, NEW YORK 11201

CHAMBERS OF
EDWARD R. KORMAN
CHIEF JUDGE

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
★ MAR 30 2006 ★
BROOKLYN OFFICE

March 27, 2006

Samuel Issacharoff
Reiss Professor of Constitutional Law
New York University - School of Law
40 Washington Square South
New York, NY 10012

Re: In re Holocaust Victim Assets Litigation
Application of Burt Neuborne - CV-06-983 (ERK)(JO)

Dear Professor Issacharoff:

I have your letter of March 23, 2006, seeking guidance as to whether, given the record as it now exists, the reference to United States Magistrate Judge Orenstein remains necessary. I believe that it does for the reasons that follow.

The first step in determining Professor Neuborne's fee involves a determination of the fair and reasonable hourly rate. The next step involves the determination of the number of hours and the final step involves the application of the 25% discount. Under these circumstances, it seems to me that the referral to the United States magistrate judge is necessary.

Moreover, I add these words with respect to the amount of the academic discount. I understand that Judge Weinstein applied a 17% discount in the Agent Orange case in 1984. It is not, clear to me how he arrived at that figure. If the hourly rate is comparable to what a partner at a major law firm would command, then the Swift/Dubbin objectors argue that the discount should reflect the percentage of that hourly rate that a law firm would include to cover overhead. As I indicated during our telephone conference, it would be useful to have current information on the latter percentage.

I have also decided to expand the reference to Judge Orenstein to include a report and recommendation on those issues which he is not successful in mediating.

Very truly yours

s/Edward R. Korman

Edward R. Korman

cc: Samuel J. Dubbin, P.A.
Robert A. Swift
Judah Gribetz
Morris Ratner
Michael Hausfeld
Stephen Whinston
Irwin Levin
Barry Fisher
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